

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 * * *

4 HAROLD HARDEN,

5 Plaintiff,

6 v.

7 DR. MONNINGHOFF and AGULAR,

8 Defendants.
9
10

Case No. 2:14-CV-00377-APG-PAL


ORDER

(Dkt. #43)

11 Plaintiff Harold Harden moves to “dismiss” the defendants’ answer as untimely.
12 Defendants acknowledge their answer was one day late, but they argue striking their answer is an
13 unduly harsh remedy where the plaintiff has suffered no prejudice and any default should be set
14 aside. I agree. *See United States v. Signed Personal Check No. 730 of Yubran S. Mesle*, 615 F.3d
15 1085, 1091 (9th Cir. 2010).

16 IT IS THEREFORE ORDERED that plaintiff Harold Harden’s motion to dismiss the
17 defendants’ answer (Dkt. #43) is DENIED.

18 DATED this 14th day of, 2015.

19 
20 ANDREW P. GORDON
21 UNITED STATES DISTRICT JUDGE
22
23
24
25
26
27
28